

REMARKS

Claims 44-86 of the present application are pending. Claims 59, 70-75, 78-80 and 86 were withdrawn from consideration. Claims 44-58, 60-69, 76, 77, 81-85 have been rejected. Claims 44, 69, and 76 have been amended. Claims 48-50 and 57-58 have been canceled, without prejudice. Applicant reserves the right to submit these claims, or claims of similar scope, in a continuation application.

Applicant respectfully thanks the Examiner for the telephonic interview on May 5, 2004. For the reasons set forth below, the Applicant submits that all pending claims are in condition for allowance and allowance of the application is respectfully requested.

Rejections under 35 USC section 112

In the Office Action dated March 30, 2004, claims 57 and 58 were rejected under 35 U.S.C. § 112) as failing to comply with the enablement requirement. In order to expedite prosecution of the present application applicant has canceled claims 57 and 58, without prejudice. Applicant reserves the right to submit these claims, or claims of similar scope, in a continuation application.

Rejections under 35 USC section 102

Claims 44-49, 51-56, 60-69, 76, 77, 81-85 have been rejected under 35 USC 102(b) as being anticipated by US Patent 5,769,882 to Fogarty et al.

Fogarty et al. discloses a tubular prosthesis that is used to treat a vascular aneurysm. The prosthesis has a sealing layer which conforms to the exterior surface of the prosthesis body and which substantially fills and occludes the annular interface between the outer surface of the prosthesis body and the inner wall of the blood vessel at each end of the aneurysm. The device disclosed in Fogarty et al. is typically used to bridge an aneurysm and to seal the ends of the prosthesis to prevent blood from leaking around the ends of the device where it attaches to the blood vessel.

Independent claims 44, 69, 76, 77, and 81 recite a fenestrated stent which permits some blood to flow radially outwardly from its internal lumen through the fenestrations. Reactive material is applied to some, but not all, of the fenestrations to

increase the resistance to blood flow through the fenestrations. This structure is neither taught nor suggested by Fogarty et al. Thus, independent claims 44, 69, 76, 77, and 81, and dependent claims 45-47, 51-56, 60-68, and 82-85 are patentably distinct over Fogary et al.

Rejections under 35 USC section 103

Claim 50, 57 and 58 have been rejected under 35 USC 103(a) as being unpatentable over US Patent No. 5,769,882 to Fogerty et al. in view of US Patent No. 5,609,629 to Fearnott et al., and US Patent 6,264,695 to Stoy.

As described above, in order to expedite prosecution, claims 50, 57, and 58 have been canceled without prejudice. Applicant reserves the right to submit these claims, or claims of similar scope, in a continuation application.

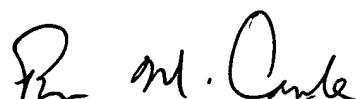
In view of the foregoing, Applicant believes that pending claims 44-47, 51-56, 60-69, 76, 77, and 81-85 to be in condition for allowance. Reconsideration and early allowance are respectfully and sincerely solicited.

If it is felt for any reason that direct communication with applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-1329.

Respectfully submitted,

Dated: 5/27/04



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